



SUNFLOWER STATE INDUSTRIAL RAILWAY, LLC
Post Office Box 245 - Colony, Kansas 66015-0245

308474

The Honorable Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Wash, D.C. 20423-0001

ENTERED
Office of Proceedings
July 16, 2024
Part of
Public Record

In Re: Finance Docket No. 36714 (Sub No. 1)
Sunflower State Industrial Railway, LLC
Box No. 245 - Colony, KS 66015-0245

Document: MOTION for LEAVE to AMEND PETITION

Good morning Ms. Brown:

Enclosed are:

- 1. A MOTION for LEAVE
to AMEND a PETITION**
- 2. An AMENDED PETITION**
- 3. A CERTIFICATE of SERVICE**

Respectfully,

Steve P. Gorsline, General Manager
Sunflower State Industrial Ry, LLC.

Date Mailed: July 8th, 2024



BEFORE THE SURFACE TRANSPORTATION BOARD

**Finance Docket 36714 (Sub No. 1)
Sunflower State Industrial Railway, LLC**

MOTION FOR LEAVE TO AMEND PETITION

**Comes Now Petitioner Sunflower State Industrial Railway, LLC (hereinafter: "Sunflower")
with a Motion for Leave to Amend the June 12th 2024 Petition to the Surface Transportation
Board and shows unto the Board the following facts:**

- 1. The Original Petition was filed with the US STB on the 12th day of June, 2024.**
- 2. Respondant filed their Answer & Reply in Opposition with STB on July 3, 2024.**
- 3. Issues raised by Respondant (Kansas Department of Wildlife & Parks ("KDWP")) in
the July 3rd, 2024 "Answer & Reply in Opposition" raise New Issues in this matter and it would
be helpful to the Board if missing facts Respondant raised: were addressed by Sunflower & there
to giving the Board a "more balanced understanding" of the matter both parties bring before it.**

**WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully requests this Board allow
the Original Petition Sunflower filed on June 12, 2024 be allowed to be amended, in the interest of
justice and good judicial order. Petitioner does pray that the said Petition be so amended as
sought.**

Respectfully,

**/s/ Steve P. Gorsline, General Manager
Sunflower State Industrial Ry, LLC (Petitioner)
Box 245 - Colony, KS 66015-0245
Date of MFL to Amend Petition: July 8, 2024**

BEFORE THE SURFACE TRANSPORTATION BOARD

Finance Docket 36714 (Sub No. 1)

Sunflower State Industrial Railway, LLC

~ AMENDED PETITION [July 8, 2024] ~

Petitioner, Sunflower State Industrial Ry, LLC (herein as: 'Sunflower') in this Amended Petition to the Surface Transportation Board states unto the Board the following additional information that was Not contained in the Original Petition as filed with the STB on the 12th day of June, 2024. The additional information's necessary because in the Respondant (Kansas Department of Parks & Wildlife 'KDWP') raised in their Answer & Reply in Opposition (Jul 3 2024) issues that weren't part of Sunflower's June 12 Petition. Here's that missing information:

KDWP mentions it's 'holding an Interin Trail Use certificate fr KCT Railway' [in AB 335 (Sub 2x)]. Sunflower agrees. KDWP next asserts the Petitioner (Sunflower) has NO Standing. That assertion is False. Reactivation rights aren't Exclusive to an abandoning line. 3rd parties may petition STB for authority to Acquire an abandoning RR's residual common carrier rights & obligations in a railbanked line. Yes, Any other 'bona fide petitioner' may move to reactivate railbanked line [Ballard Terminal RR Co, FD 35731, at 5]. Thus, KDWP is Wrong re: 'standing'. KCT Railway Corporation, the abandoning carrier was contacted by Sunflower. Their address, per Ks. Sec of State's record: 754 Mays Blvd - Incline Village NV 89450 (Exhibit "A"). But, the envelope was Return to Sender (Exhibit 'B'). KCT cares to run its ex-RR in Kansas? No! Moreso, KCT Railway's KNOWN address: 1505 So. Redwood Rd - Salt Lake City, UT. Hey, isn't that also the address for A&K RR Materials: the firm who Scrapped the former AT&SF RR line KCT Ry bought & then: abandoned? Also same address for Amer Trails Assn (Exhibit "C").

KDWP further says: 'KDWP generally denies all claims asserted by Petitioner & because of Failure by Petitioner to detail its plans & give proper notice to KDWP of its proposal, KDWP can't determine the truth of Petitioner's claims'. Truth? Let's take a closer look. KDWP was in Fact contacted by Sunflower for a Copy of Interein Trail Agreement in its records. (Exhibit "D"). KDWP NEVER Provided a copy of the item requested. Truth? Not so much. Per a Kansas KORA (State of Ks - Ks Open Records Act) Request to KDWP: guess what? KDWP Provided a COPY of Rail Plans that was Sent Them! (Exhibit "E"). STB needs to look into these false statements! Truth? Way back to 1992: there's a letter to Petitioner fr KDWP. (Exhibit "F"). Indeed, Dig even deeper & you next find a letter that the Ks Secretary of Transportation (Ms. Lorenz) responding from the Governor to a note Sunflower sent (Exhibit "G"). Ks Dept of Transp (KDoT) [a partner with KDWP in Railbanking] had a secret meeting - in violation of Ks Open Meetings Act. How Sunflower discovered the secret meeting was via a KORA request sent to KDoT (Exhibit "H"). What's the 'intent' of Railbanking? Maybe the bigger question may be: How many railways has it Helped Restore? Per Paul Schoellhamer (Writting for "Santa Cruz Sentinel") - that number would be: Zero (Exhibit "I"). I know RJ Corman RR, in Pennsylvania was Able to put rails back on a 10 mile line of railbanked ROW so Mr Schoellhamer's count needs adjusting. But he raises some very factual information that can be found even out on KDWP right of way here in Kansas. To illustrative this, Sunflower provides Six (6) photos of HOW KDWP has 'altered' former ROW to the point - where restoration efforts by any new railway would cost the same Millions of dollars Kansas has spent ruining a former rail ROW just because KDWP & KDoT have done their best to make the former right-of-way difficult, or cost prohibitive to return to rail use. Maybe IF Ks were REQUIRED to PAY for the cost of this ROW restoration - this wouldn't be the issue it is. (Exhibit "J"). In a letter to US Highway Admin (Exhibit "K") Sunflower complains: KDoT has

refused to assist w/ turning railbanked right of way back to RR use. And as KDoT map shows: KDoT supports MORE Trails than Railways! (Exhibit "L"). An abuse of the Railbanking Law!

In summary, the New facts clearly provide STB w/ a balanced understanding of unlawfully prohibited rails to trails issues in Ks. Sure, the STB's oversight of Rails-to-Trails is ministreal: yet, there can be no doubt obstructionist tactics by Kansas state actors must cease & desist. STB has authority. With 1,000's & 1,000's of railbanked right of way's across the US: it's time to return ROW for rail use, to RR's who Need them! With delay games by KDoT and KDWP: It's no secret Sunflower if unsuccessful here will keep litigating even to US Supreme Court. The Supreme Court 1st allowed railbanking & recently ruled for a utility. [See: PennEast Pipeline Co v. New Jersey 594 US _ (2021)]. It was a US Supreme Court case dealing w/ sovereign immunity of states to delegated powers of eminent domain granted private companies by fed'l agencies: in this specific case - acquiring land for a right-of-way to build natural gas pipeline. The Court in a 5-4 decision issued (June 2021) ruled states by nature of ratifying US Constitution gave up their ability to exercise sovereign immunity from US Gov't or fr those parties whom they've delegated that authority. As such, should railbanking not be OK'd here: then it makes sense for Sunflower to either move for 'easements over the railbanked ROW' or move to obtain by eminent domain & acquire adjacent land next to railbanked ROW. Given PennEast Pipeline ('id') - makes sense.

Respectfully submitted,


/s/ Steve P. Gorsline, General Manager
Sunflower State Industrial Ry, LLC (Petitioner)
Box No. 224 - Colony, Kansas 66015-0245

CERTIFICATE OF SERVICE

This shall Certify that on this 8th day of July, 2024 a true copy of an Amended Petition (with 12 exhibits thereto) and a Motion for Leave to Amend an Original Petition - were served upon the Respondant's in this matter with service by prepaid US Mail & addressed to their respective addresses:

**Terry Bruce, Attorney
Ks Dept of Wildlife & Parks
512 SE 25th Avenue
Pratt, KS 67524**

**John Jay Rosaker, Attorney
6605 N.W. 107th Court
Kansas City MO 64154**

Certified:  **(Petitioner)**

**Steve P. Gorsline, General Manager
Sunflower State Industrial Railway, LLC**



STATE OF KANSAS

OFFICE OF THE SECRETARY OF STATE

Visit Kansas Business One Stop

Business Entity Search

Date: 02/25/2022

Be advised the business information on this page is for summary informational purposes only. It is not an official filing with the Secretary of State's office and should not be relied on as such. Please view actual documents filed by customers with the secretary of State's office to ensure accurate information. When filing a Uniform Commercial Code statement on an entity, consult with your attorney to ensure the correct debtor name.

Business Summary

Current Entity Name

KCT RAILWAY CORPORATION

[File Name Change Online](#)

Business Entity ID Number

7415003

[View History and Documents](#)

Current Mailing Address: 754 MAYS BLVD, INCLINE VILLAGE, NV 89450 [Update](#)

Business Entity Type: FOREIGN FOR PROFIT

Date of Formation in Kansas: 04/27/1990

State of Organization: NV

Current Status: FORFEITED - FAILED TO TIMELY FILE A/R

Handwritten mark resembling a stylized 'A' or 'X'.

Current Mailing Address: 754 MAYS BLVD, INCLINE VILLAGE, NV 89450 | [Update](#)

Business Entity Type: FOREIGN FOR PROFIT

Date of Formation in Kansas: 04/27/1990

State of Organization: NV

Current Status: FORFEITED - FAILED TO TIMELY FILE A/R

[Certificate of Good Standing](#)

See attached
Return
to
Sender
mail

Resident Agent and Registered Office

Resident Agent: THE CORPORATION COMPANY, INC. -

Registered Office: 515 SOUTH KANSAS AVENUE, TOPEKA, KS 66603

[Update Resident Agent/Office](#)

KCT is
No longer
their client

Annual Reports

The following annual report information is valid for active and delinquent status entities only.

Tax Closing Month: 12

The Last Annual Report on File: 00/0000

Next Annual Report Due: 04/15/1991 | [File Online](#)

Forfeiture Date: 07/15/1991

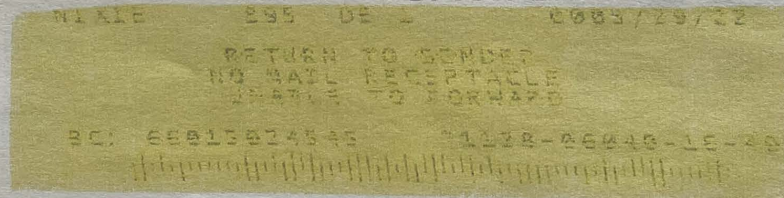
[Close Your Business](#)

B

PO Box 245
Colony, KS 66015

KANSAS CITY 640

16 MAY 2022 PM 2 L



KCT Railway Corp
754 Mays Blvd

Incline Village, NV

89450

00051-962500



Entity ID 19991228880

Entity Name KCT RAILWAY CORPORATION
- Colorado Authority Terminated June 1, 2002

Principal Address 1505 S Redwood Rd
Salt Lake City
UT 84130

Entity Type Foreign Corporation

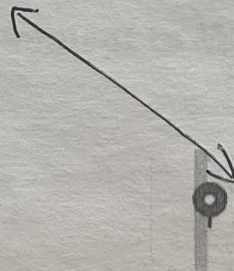
Entity Status Revoked

Jurisdiction NV

Form Date 1999-12-07

Agent Information

Agent Name



A & K Railroad Materials

Facebook (2) · Business manufacturing & supply
1505 S Redwood Rd, Salt Lake City, UT 84104



WEBSITE

akrailroad.com

<https://akrailroad.com/history>

History - A&K Railroad

WEB A&Ks headquarters is located in Salt Lake City, Utah. Along with our headquarters, we also have eleven strategically located distribution centers and seven sales offices. A&K Railroad Materials, Inc., is proud to provide ...

2

Office of the Kansas Secretary of State

Business Entity Amendment to Withdraw From Kansas

Electronic File Stamp Information:

Filed

- Date: 05/03/2010
- Time: 12:26

- 1 Business Entity Name: AMERICAN TRAILS ASSOCIATION, INC.
- 2 Business Entity I.D. Number: 7438518
- 3 Original Date of Formation: 10/23/1991
- 4 State of Formation: NV
- 5 Statement: The corporation surrenders its authority to transact business in the state of Kansas and withdraws therefrom.
- 6 Service of process may be forwarded to the entity at the following address:
→ 1505 S. Redwood Rd., Salt Lake City, UT 84104

"I declare under penalty of perjury pursuant to the laws of the state of Kansas that the foregoing is true and correct."

Executed on the 03 of May, 2010

Michael Van Wagenen
Authorized Officer



D

Operations Office
512 SE 25th Ave.
Pratt, KS 67124-8174

Phone: (620) 672-5911
Fax: (620) 672-6020
www.ksoutdoors.com

Brad Loveless, Secretary

Laura Kelly, Governor

June 20, 2023

Sunflower State Industrial Railway
Attn: Steve P. Gorsline, General Manager
PO Box 245
Colony, KS 66015-0245

Steve,

Before we can provide you with the records requested, I must require you to read and fill out the attached certification form. If you are unable to fill out the attached form, we may only be able to provide you with some or part of the information you have requested.

Thanks in advance for your attention to this and if you have any questions, don't hesitate to reach out.

Have a great day!

Sincerely,

Shelby Stevens

Wildlife Education, Administrative Specialist

Phone: (620) 672-0751

Fax: (620) 672-0769

Shelby.stevens@ks.gov



KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM
OPEN RECORDS CERTIFICATION FORM

(Pursuant to K.S.A. 45-220 and K.S.A. 45-230)

Please describe the information you are requesting

Rail banking Agreements

for K&T Ry (Prairie Spirit Trail)

I, for Mo Pac Ry (Flint Hills Trail) (Individual), an authorized agent of

Sunflower State Industrial Ry (Firm), hereby certify pursuant to K.S.A. 45-220(c) that:

I understand it is a civil penalty to knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein; any list of names and addresses contained in or derived from public records unless a specific exception specified in K.S.A. 45-230.

I, Sunflower Ry Genl Mgr ^{Steve} Gorsline, do not intend to and will not use the list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed who is not an existing client.

I, AS Above: Steve Gorsline, do not intend to and will not sell, give or otherwise make available to any person any list of the names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

Date 3/18/2024

Signature Steve Gorsline

Printed Name Steve Gorsline

Address Box 245

CITY: Colony

ST: Ks

ZIP CODE: 66015-0245

Email Sunflower State Industrial RR @ gmail.com

Phone (620) 852 - 3474

Return completed form to:

Public Affairs - Open Records
KS Dept. of Wildlife, Parks & Tourism
512 SE 25th Ave.
Pratt, KS 67124

OR FAX: (620) 672-6020

OR SCAN AND EMAIL TO: kdwpt.openrecords@ks.gov

Form updated 1/2020

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

Operations Office
512 SE 25th Ave
Pratt KS 67124-8174

Sunflower State Industrial Railway LLC
Attn: Steve Gorsline
PO Box 245
Colony, KS 66015-0245

8050
E



THE SUNFLOWER STATE INDUSTRIAL RAILWAY
PO Box 596 - Hazel Park, MI 48030

e-mail: SunflowerStateIndustrialRR



Date: July 4th, 2019
Happy 4th of July!

Good morning,

Today, I'm bringing to your attention the transportation issues in rural Ks.

Early in American history, railroads were an essential partner in the growth of our Country. But thru competition and the chase for more & more money; our once partner railroads abandoned their roots. Specifically, the Santa Fe RR (ATSF) had its eyes on becoming a mega railway. The Santa Fe RR noticed what the C&NW RR was doing: shedding rural under-performing rail lines in Iowa and Wisconsin - so as to have "merger/acquisition appeal". So, in 1983 the Santa Fe (SF) RR & the Southern Pacific (SP) RR began plans to merge. But, in 1988 - the Interstate Commerce Commission denied their merger, so SPSF (Southern Pacific/Santa Fe) sold the SP to Rio Grande Industries on Oct-13, 1988. Next, to cut losses, Santa Fe started selling off Underperforming rail lines. This included the segment from Ottawa, Kansas to Tulsa, Oklahoma. Thus, in 1990: it sold the segment from Ottawa to Iola to a company: KCT Railway. It is now apparent that the Sale was a way around the abandonment process the ICC would have required. Turns out: "KCT Ry" was actually a "paper railway" created by A&K Railroad Materials to soon shut down the RR and salvage the track, ties, switches, signals, crossing lights & gates. Sadly, a big loss for rural cities. But the Santa Fe wasn't the only industry making changes that affect rural communities. In Iola, Leigh Cement was making plans to get rid of a plant - that had been around since 1899. Like the Santa Fe... Leigh Cement began as a rural business... but grew steadily & quickly.



In 1955 Lehigh Cement was engaged in a \$15 million project to triple the capacity of its Union Bridge, Maryland plant to three million barrels capacity. By 1960 the company's capacity had passed 31 million barrels. During the 1960s, however, the company chose to shut down rather than modernize some of its antiquated cement plants that dated back as far as the turn of the century. The facility at Sandt's Eddy was closed in 1962 & the one at Oglesby was closed in 1963. The Bunnell plant, which used coquila shells as its raw material, was phased out in 1965 and the Fordwick plant was phased out in 1968. The trend continued into the next decade, with Lehigh ending operations in Birmingham, IOLA, & Fogelsville in 1971. It sold its Buffalo plant the same year. During the 1950s & 1960s, however, the company Built terminals throughout the United States because of the desire to shift from railroads to trucks for the transportation of its cement. The company spent \$9 million to expand its Union Bridge facility, which on completion in 1970 accounted for 30 percent of Lehigh's productive capacity.

Sunflower State Industrial Ry

Steve Gorsline, Project Manager
528 E Mahan Ave - Hazel Pk, MI 48030

Received Jan

Good morning,

Your company has NO rail service today because - the former railroad in the Ottawa-Humboldt Corridor: ATSF RR- had NO plans to keep this rail line in operation. It is no secret that money to improve the Ottawa-Humboldt line went to improving an alternative route that reaches Oklahoma & Texas. Because it was a better funded route - cargo moves over that line now - at a fast pace. With NO need for the under utilized Ottawa-Humboldt line: ATSF RR sold it to another firm: The KCT Railway. Within 10 months - they abandoned it & sold off the premium rails & laughed all the way to the bank. KCT was actually a "RR Materials reclamation service. Had anyone checked into these motives: the RR line might still be here today. Need "proof"? See the attached document.

Yes, operating the Ottawa-Humboldt line contained numerous issues.

One of the RR 'bottlenecks' was thru Ottawa - the former line was limited to 5-10 mph as it moved up or down Walnut Street. Simply, operating a rail line down the middle of the street & thru several neighborhoods: for some 1.65 miles was anything but a fast route.

Note that the plan to return rail operations to this corridor now eliminates these street crossing & residential issues by operating over the ex-Missouri Pacific route on the east side of town.

Because the new railway will interchange with 3 other railroads: there will no longer be 'One Rate' as there was on the ATSF RR. 3 railroads competing for a shipper's freight will bring down costs for shipping.

And because the Sunflower State Industrial Railway is planning to operate 63 miles of track, it'll be the 5th largest shortline RR in Kansas. Future plans will add another 45 miles of trackage to the system & bring the total operating miles to 107. Make no mistake about it: this small railway has plans to do big things.

I'm sending you this note for 2 reasons:

- (1) So you are up to date with rail reinstitution plans on the Ottawa-Humboldt rail corridor.
- (2) Attached: A Shipper Intent Form. It's pretty self explanatory.

Your returning this Shipper Interest Form Does NOT commit you to ever shipping any freight over this line. All that the Form is going to be used to do is determine Where potential freight traffic exists & the quantity. Both of these factors are vital & necessary to being able to develop Financial projections and to develop the necessary operating plans to support the shipper's freight needs. Perhaps you have Never used RR freight to ship: Truck is all your business ever known. Freight is very efficient & costs much less than truck. With proper scheduling: it can be very timely. One of the 1ST personnel to be hired by the new RR will be a Traffic Manager. This is "the expert" for shipping & the 'go to' person shippers will have access to. (NO, the railway won't be operated in far away Michigan. I am in the process of moving back to Kansas. I'm from Kansas,- but ended up in Michigan to work a military assignment. The Secretary of State in Kansas just forwarded me the paperwork for this railway to become a wholly-located in Kansas business entity).

Again, Returning the Intent Form is part of the puzzle to building the new freight railway that will serve you. Because it will have connections with FedEx and UPS: any size and any amount of freight can be handled. The Union Pacific RR today gave me assurances that they'll be an active partner in bringing low cost freight services to this new railway.

Thank you for your interest!

Sunflower State Industrial Ry
Steve Gorsline, Project Manager

2020



OFFICE OF THE SECRETARY
900 SW Jackson St., Suite 502
Topeka, Kansas 66612-1233
(913) 296-2281
FAX (913) 296-6253
Equal Opportunity Employer

DEPARTMENT OF WILDLIFE AND PARKS
JOAN FINNEY, Governor
JACK LACEY, Secretary
JOHN S. C. HERRON, Assistant Secretary

June 16, 1992

Mr. Steve Gorsline

Box 111

Osage, Kansas 66567-0111

Dear Mr. Gorsline:

I am replying on behalf of the Kansas Department of Wildlife and Parks (KDWP) to your various letters regarding the rail-banking of the Ottawa-Iola railway.

1. Regarding the cost of purchase which you raised in your letter sent on or about June 6, 1992: The property was donated by KCT Railways to the Kansas Department of Wildlife and Parks.
2. Regarding your intent to place this line back into service as a working railway line: This is a matter between you and the Interstate Commerce Commission. Only they have authority to order that this line be returned to active service.

G

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745
Julie L. Lorenz, Secretary



Phone: 785-296-3461
Fax: 785-368-7415
kdott#publicinfo@ks.gov
<http://www.ksdot.org>
Laura Kelly, Governor

March 18, 2022

Mr. Steve P. Gorsline, General Manager
Sunflower State Industrial Railway
P.O. Box 245
Colony, KS 66015

Dear Mr. Gorsline:

Thank you for your letter regarding the Sunflower State Industrial Railway. Governor Kelly has asked that I follow up with you. You have presented several interesting ideas for potential freight rail service.

I have asked John Maddox, Freight and Rail Program Manager at the Kansas Department of Transportation (KDOT) to reach out to you and discuss the details presented in your correspondence. KDOT offers two rail rehabilitation grant programs. Mr. Maddox can explain KDOT's Rail Service Improvement Fund (RSIF) and Short Line Rail Improvement Fund (SLRIF) programs for freight rail infrastructure improvement projects and the guidelines associated with those programs.

I'd also like to note that KDOT is wrapping up its 2021 State Rail Plan Update. A draft of the update will be available online within the next several weeks for public comment. This plan will highlight additional information on both programs and provide you with an overview of KDOT's freight and rail unit structure, activities, and project selections over the last 20 years.

You're welcome to contact Mr. Maddox at john.maddox@ks.gov.

Sincerely,

Julie L. Lorenz
Secretary of Transportation
Director of Kansas Turnpike Authority

H

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Calvin E. Reed, Acting Secretary
Gelene Savage, Chief Counsel



Phone: 785-296-3831
Fax: 785-296-0119
kdot#publicinfo@ks.gov
<http://www.ksdot.org>
Laura Kelly, Governor

May 3, 2023

Steve Gorsline
P.O. Box 245
Colony, Kansas 66015

RE: Open Records Request

Dear Mr. Gorsline:

This letter is to serve as a follow-up to the letter that was mailed out on April 28, 2023. KDOT staff searched for communications that match with what you requested in your correspondence with us. The enclosed documents are what was returned to me.

You will likely recognize some of it as it is materials you provided to KDOT in other correspondence in the past. These records are ones we hold and match your request; therefore, they are being provided back to you.

Any fees that would have been assessed have been waived under K.S.A. 45-218 and 45-219 due to the minimal amount of staff time needed to gather and compile the documents.

Please feel free to contact KDOT with any questions you may have regarding the open records process or about the records received. Thank you and have a great day.

Sincerely,


Harrison Baker
Staff Attorney

HDB:blb

Enclosure(s)

Harrison Baker [KDOT]

Subject: Sunflower State Industrial Railway Response
Location: Microsoft Teams Meeting
Start: Fri 2/25/2022 1:30 PM
End: Fri 2/25/2022 2:00 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Cory Davis [KDOT]
Required Attendees: Michael Moriarty [KDOT]; John Maddox [KDOT]

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 785-414-8630,,502326591# United States, Topeka

Phone Conference ID: 502 326 591#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

Santa Cruz Sentinel

Paul Schoellhamer:

Railbanking is just a trackless waste

By Paul Schoellhamer

POSTED: 11/04/17, 5:01 PM PDT

38 COMMENTS

If a Russian hacker approached you with an offer to sell you security software that would protect all your data, would you buy it? Or would you think this guy must actually be offering me the opposite of what he claims to be offering me?

And if someone argued that tearing up the rail tracks from Watsonville to Santa Cruz, and paving over the railbed, was a good way to preserve the future option of rail service, would you buy that argument? They call tearing up the tracks, while claiming rail service can come back, "railbanking." But what is that, really? And does it preserve the rail option, or does it have the opposite effect?

Around 40 years ago, a lot of rail lines, mostly in the eastern half of the country, were being abandoned. Local governments saw a great opportunity to turn those lines into recreational trails, which became very popular amenities for their communities. But some of those lines had an odd twist in the title history of their underlying real estate: back when the original rail company first acquired the land, there was a deed restriction added which made the transfer "for rail purposes."

This put a cloud over the title, which resulted in local governments being reluctant to proceed with trail projects, no matter how popular those projects might be.

A few clever people in Congress came up with the solution: they invented the term "railbanking," declaring that local governments converting a rail line to a trail could designate it "railbanking," and that Congress hereby declared that such a railbanked trail would therefore be for a "rail purpose." So by use of the word "railbanking," voila!, the title problem was solved. Local governments went ahead with over 300 trails under the railbanking label. But did it create a realistic option of ever restoring rail service? We've now had 34 years of real world experience with railbanking. In that period, about 5,900 miles of rail corridor have been railbanked, and about 3,600 of those miles now have trails open to the public. For only 11 of these 3,600 miles has authority to restore rail been requested and granted, and for zero of those miles were the tracks or rail service ever actually restored.

The reality is that once you tear up the tracks and build a trail on the railbed, you have made it nearly impossible to ever put the tracks back. Calling it railbanking does not change that reality any more than calling it a banana would.

So when someone tells you, we here in Santa Cruz County can tear up the tracks, pave over the railbed, call it railbanking and somehow preserve the rail option for our community, you need to be as wary as you would be of that Russian hacker.

Why does any of this matter? The question here is not about the bike and pedestrian trail — it's already well underway. We already have an approved Master Plan for the trail parallel to the tracks, we have the money for it from Measure D, and construction begins in a few months. The question being posed now by a few people is whether we should scrap all that, tear up the tracks, and start over.

There are many reasons that's a bad idea.

First, if you think climate change is a serious problem and a serious threat to our way of life here in Santa Cruz County then you need those tracks to be there. Transportation in our county is the economic sector that produces more greenhouse gasses than all other sectors combined. We cannot make a significant contribution to reducing greenhouse gases without making a significant reduction in our transportation emissions. Rail transit in our most congested transportation corridor is very likely going to be an essential climate strategy at some point.

Second, congestion and gridlock on Highway 1 are not going away. Building major new thru lane capacity is prohibitively expensive. Of course, a light rail transit system, based on new technology (quiet and electric), built between Santa Cruz and Watsonville, won't be cheap either. But there's a big difference between the two: the state has consistently made it clear that state or federal money on the scale needed for thru lane capacity increases on Highway 1 will not be available for that purpose.

And third, there is a basic question here of fairness to our kids and grandkids. Realistically, when you tear up the tracks you have taken away the rail option from your community forevermore. It would be the height of arrogance for us to believe so thoroughly in our own infallibility at predicting the future, that we in effect tell future generations that we know the circumstances they will find themselves in better than they will know those circumstances themselves.

Paul Schoellhamer was for many years on the legislative staff of the U.S. House of Representatives, including as Chief of Staff of the Committee on Transportation and Infrastructure. He and his wife now own and farm a small orchard in South County.



Who We are ▾ What We Do ▾ Access & Events ▾ Volunteer ▾ Newsroom ▾ Maps & Galleries ▾ Story of the

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Railbanking = No Rail Ever

🕒 November 7, 2017 👤 Stephen Slade

📁 Build the Rail Trail, Stephen Slade, Story of the Week, Your Local Rail Trail



Proponents of a trail-only approach to the rail corridor tell us that we can “save the tracks” for later use through something called railbanking. I’ve even heard a few people say, it’s been done hundreds of times, which is a half-truth.

It is half-true because thousands of miles of tracks have been removed and turned into trails. The misleading part is the implication that you can put the tracks back after you’ve replaced them with a trail. That has never happened. Not once.

Paul Schoelhamer, who spent years working on transportation policy as the Chief of Staff on the House committee on transportation, has the history and detail in an op ed in the Sentinel last weekend. Click [here](#) to read it.

It shouldn't be a surprise that trails never get turned back into tracks. Imagine the public outcry that would greet any plan to remove trails. As Paul notes, "Once you tear up the tracks and build a trail on the railbed, you have made it nearly impossible to ever put the tracks back."

The Land Trust's position is clear and simple: we want to build the trail as fast as possible and we want to preserve the rail option. These two goals reinforce each other because the fastest way to build the trail is to build it as currently planned (and currently underway) - with the tracks in place and the rail option saved.

Two inconvenient facts remain for the trail-only proponents: Railbanking is a dead end for transportation options, and changing the already-approved RTC plan will reboot an approval process that will likely delay trail-building for almost a decade as the permit and grant applications begin anew.

Railbanking



Photo courtesy of the National Trails System, U.S. Department of the Interior, Bureau of Land Management

Railbanking, established in 1983 as an amendment to Section 8(d) of the [National Trails System Act](#), is a voluntary agreement between a railroad company and a trail agency to use an out-of-service rail corridor as a trail until a railroad might need the corridor again for rail service. This interim trail use of railbanked corridors has preserved thousands of miles of rail corridors that would otherwise have been abandoned.

**Railbanking Explained**

**Watch later****Share**

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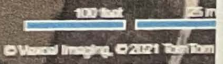


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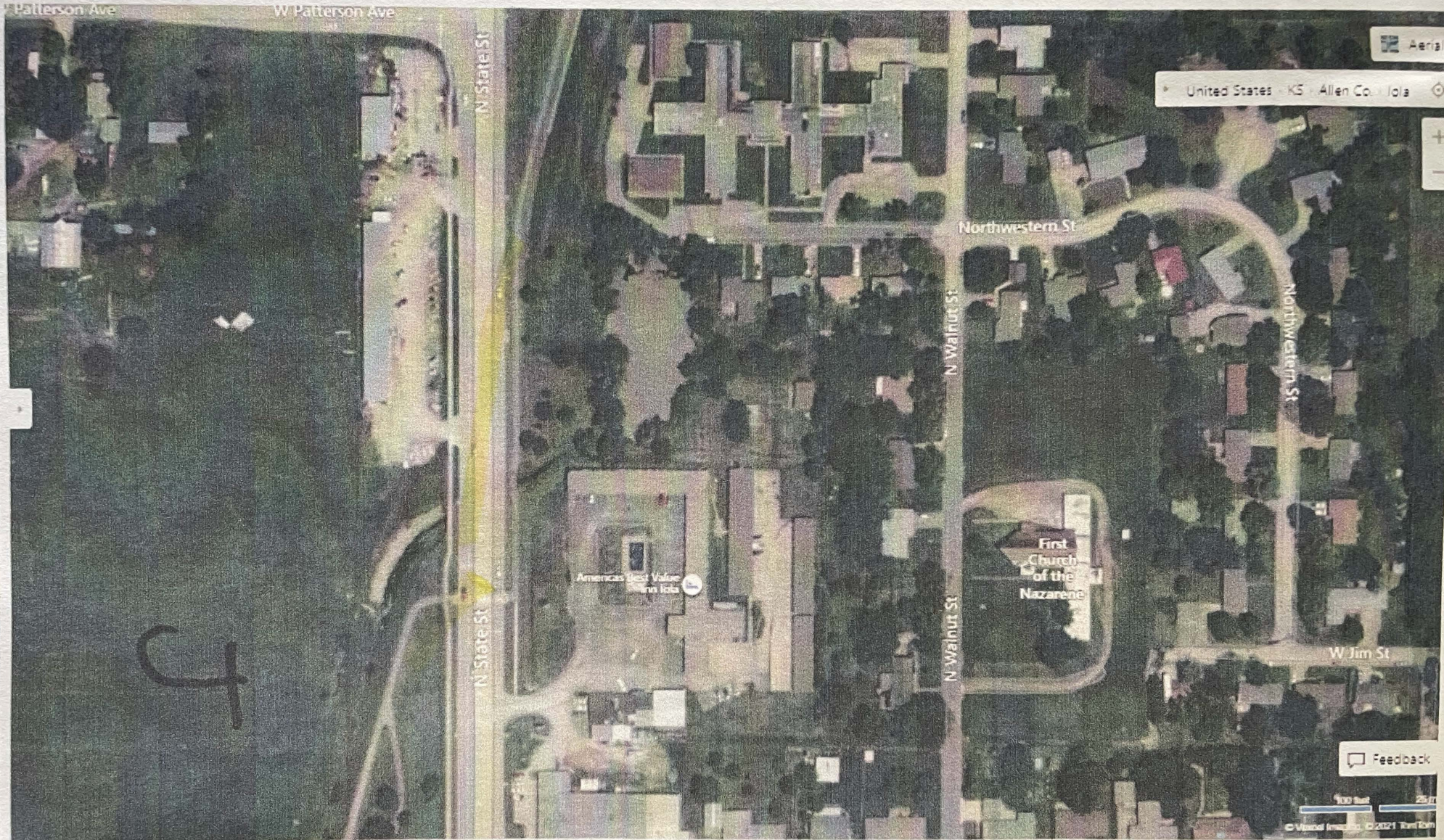


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K

**U.S. Department of Transportation
Federal Highway Administration
-Recreational Trails Program-
1200 New Jersey Avenue, SE
Washington, DC 20590**

Nov 26th, 2021

Re: Kansas Dept of Parks & Wildlife's requests funding for Rails-to-Trails improvements

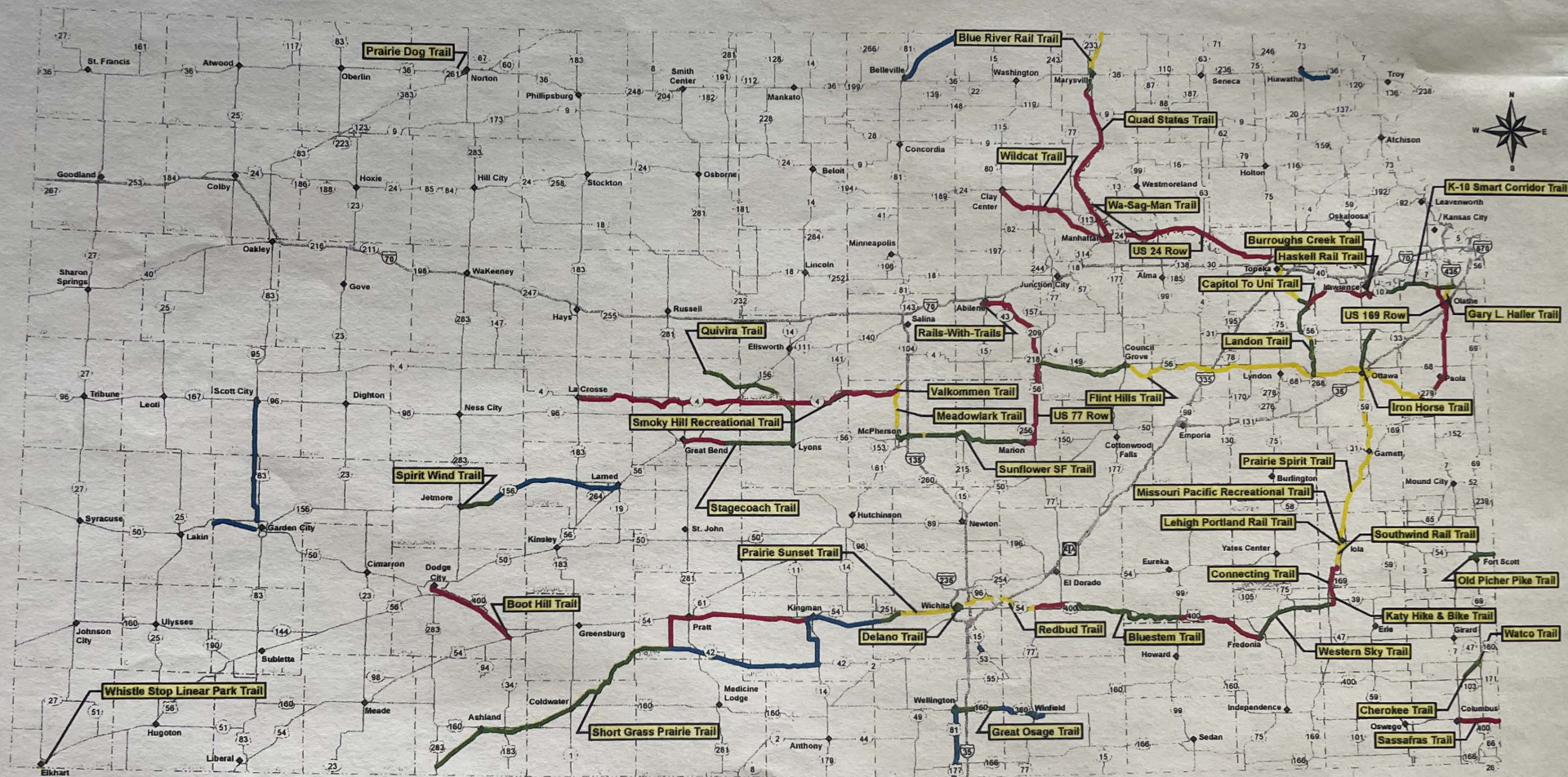
Good morning:

IF you look at the Ks Dept of Transportation's Map & ask what became of abandoned RR's: there's nearly More Trails than there are existing rail lines. This is an 'indicator' that KDoT is doing nothing to HELP railroads! And because the State of Kansas (thru the Ks Dept of Parks & Wildlife sits on funds for Rails to Trails: I'm going to file this as a 'formal' PROTEST to Any further funding by Fed'l Highway Administration 'Recreational Trails Program' (RTP). Makes NO sense to fund Trail Improvements while KDoT is allowed to ignore plans to return rail service to the Railbanked right of way!

Respectfully,

**Steve P. Gorsline, General Manager,
Sunflower State Industrial Ry, LLC**

Kansas Rail-Trails



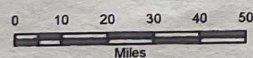
PREPARED BY THE

KANSAS DEPARTMENT OF TRANSPORTATION

BUREAU OF TRANSPORTATION PLANNING

MAP CREATED FRIDAY, JANUARY 25, 2019

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— Completed Rail-Trail

— Rail-Trail Projects

— Proposed Trail

— Low Rail Use Line